

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BARBARA SILVA,

Plaintiff,

v.

No. CV 17-1224 CG/JHR

UNITED STATES OF AMERICA,

Defendant.

ORDER DENYING REQUEST FOR ENTRY OF DEFAULT

THIS MATTER is before the Court on Plaintiff Barbara Silva's *Request for Entry of Default*, (Doc. 24), filed May 13, 2019. In her Request, Ms. Silva asks the Court to order an entry of default against Defendant Social Security Administration and Defendant United States of America. For the reasons explained below, Ms. Silva's request is **DENIED**.

On April 25, 2019, the Court granted Ms. Silva's Motion to Amend her Complaint and add the United States of America as a party. (Doc. 22). On May 23, 2019, the Court dismissed the Social Security Administration from this lawsuit, finding that Ms. Silva's Complaint does not state a claim under the Social Security Act. (Doc. 26 at 3). Pursuant to the Court's May 23, 2019 Order, what remains of this case are only allegations against the United States of America for violations of the Federal Tort Claims Act. See (Doc. 26). Thus, because the Social Security Administration and all accompanying claims have been dismissed from this lawsuit, Ms. Silva's *Request for Entry of Default* regarding the Social Security Administration is **DENIED AS MOOT**.

Next, the United States of America was served with the Summons, the Amended Complaint, and the Court's Order on May 23, 2019. (Doc. 27). The United States of

America has sixty days to respond to Ms. Silva's Amended Complaint. See Fed. R. Civ. P. 12(a)(2). As of the date of this filing, the United States of America still has twenty-seven days to respond to Ms. Silva's Amended Complaint. Accordingly, Ms. Silva's *Request for Entry of Default* regarding the United States of America is **DENIED AS PREMATURE.**

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE